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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ERIN KUHN-BROWN,

Plaintiff,

v.

DWIGHT NEVEN, et al.,

Defendants.

Case No. 2:19-cv-01140-RFB-MDC

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY AND OTHER  
DEADLINES**

**(FOURTH REQUEST)**

Plaintiff, ERIN KUHN-BROWN, by and through her attorney of record, Lawrence J. Semenza, Esq., of the law firm of Lawrence J. Semenza, Ltd., and Defendants, by and through their Attorney of Record, Aaron D. Ford, Nevada Attorney General, and Janet E. Traut, Deputy Attorney General, hereby file their third joint application to extend the discovery cut off period and other deadlines in this case, pursuant to LR II 26-4. The present cut-off date is July 3, 2024.

**I. INITIAL DISCLOSURES**

This case is an Inmate case and Initial Disclosures were not specifically ordered, the parties agreed that they will exchange initial disclosures within thirty (30) days of October 5, 2023.

The Initial Disclosures included the medical records of Plaintiff from the date of the incident in 2018, through January 9, 2022, in Defendants' possession.

Plaintiff received the Defendants' disclosures on November 2, 2023. These included over 1000 pages of medical records.

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## **II. DISCOVERY COMPLETED**

1. Plaintiff has received most, but not all, of the medical records from numerous medical providers, and on March 11, 2024, Plaintiff received additional medical records for the period January to March 1, 2024.

## **III. DISCOVERY TO BE COMPLETED**

1. Plaintiff has not but intends to schedule depositions of Defendants and of incarcerated witnesses in June 2024.

2. Plaintiff will serve on June 15, 2024, limited written discovery regarding the operation and safety of the warehouses, and the policies regarding safety requirements and previous investigations regarding previous accidents.

3. Medical experts have not yet been chosen to review the Plaintiff's medical records. Likewise, determination has not yet been made to engage an expert regarding the safety of the operation of the warehouse where Plaintiff was injured .

## **IV. REASONS WHY THE DISCOVERY REMAINING WAS NOT COMPLETED WITHIN THE TIME LIMIT SER BY THE JOINT DISCOVERY AND SCHEDULING ORDER**

Counsel has been working diligently to adhere to the current discovery deadlines, but after receiving the medical records, requesting the extension of discovery deadlines, having to file the Motion for leave to file Stipulation to extend discovery deadlines, insufficient time remained to designate Experts by May 6, 2024. Counsel has encountered difficulty in communicating with the client who is incarcerated which makes communication difficult. Obtaining medical records has been more difficult, but with the cooperation of Defendants' counsel has now been resolved. Counsel's trial calendar and deadlines in other cases has also led to a delay in completing the discovery.

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The deadline for designating Experts was extended to May 6, 2024, and because Plaintiff had not had received the medical records until March 11, 2024, it is still unknown if Expert medical testimony will be necessary. Additionally, it is still uncertain if safety engineers will be required to assess the working conditions and safety issues regarding the unsafe working conditions that the Plaintiff was subjected to.

The parties intended for the discovery to be completed within the existing discovery period, but counsel for the parties agree the current expert deadline is insufficient in time to retain and disclose their experts. Accordingly, the parties have agreed to continue the discovery and expert disclosure deadlines an additional one hundred twenty (120) days.

#### V. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY

	Existing Deadlines	Proposed Deadlines
<b>Close of Discovery</b>	<b>July 3, 2024</b>	<b>November 6, 2024</b>
<b>Amend Pleadings/Add Parties</b>	<b>April 3, 2024</b>	<b>August 8, 2024</b>
<b>Initial Expert Disclosures</b>	<b>May 6, 2024</b>	<b>September 9, 2024</b>
<b>Rebuttal Expert Disclosures</b>	<b>June 4, 2024</b>	<b>October 9, 2024</b>
<b>Dispositive Motions</b>	<b>August 1, 2024</b>	<b>December 6, 2024</b>

DATED this 29<sup>th</sup> day of May 2024

DATED this 29<sup>th</sup> day of May 2024

LAWRENCE J. SEMENZA, LTD.

AARON D. FORD  
ATTORNEY GENERAL

/s/ Lawrence J. Semenza

/s/ Janet E. Traut

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**ORDER**

**IT IS HEREBY ORDERED:**

The discovery cut off is extended from July 3, 2024 to November 6, 2024, in which all discovery in this action shall be completed;

**IT IS FURTHER ORDERED:**

The Plaintiff and Defendants shall amend the pleadings and add parties at least ninety (90) days before the discovery cut off. Plaintiff and Defendants shall disclose their experts to each other at least sixty (60) days before the discovery cut off date which is by September 9, 2024, and Plaintiff and Defendant shall disclose rebuttal experts at least thirty (30) days after the initial date for disclosure of experts, which is October 9, 2024;

All pre-trial motions, including but not limited to, discovery motions, motions to dismiss and motions for summary judgment shall be filed and served no later than thirty (30) days after the close of discovery, which is December 6, 2024;

The Joint Pre-Trial Order in the above-captioned action shall be filed with this Court no later than thirty (30) days after the date set for filing dispositive motions, which shall be January 6, 2025;


If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended for 30 days after decision on the dispositive motions or further court order; and

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1 The last day for the parties to file their Motion and/or Stipulation to Extend discovery shall be  
2 twenty (21) days prior to the discovery cut off, which is October 9, 2024.

3 IT IS SO ORDERED this 31st day of May 2024.

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5   
6 Hon. Maximiliano D. Couvillier III  
UNITED STATES MAGISTRATE JUDGE

7 Submitted by:

8 LAWRENCE J. SEMENZA, LTD.

9 /s/ Lawrence J. Semenza

10 LAWRENCE J. SEMENZA, ESQ.

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